

App. No. 10/731,597
Amendment Dated August 24, 2006
Reply to Office Action of February 24, 2006

REMARKS/ARGUMENTS

The Office Action of February 24, 2006 rejected claims 1-13. Claims 1-18 stand rejected under 35 USC 101 because the claimed invention is (alleged to be) non-statutory subject matter. Claims 1-18 stand rejected under 35 USC 103(a) as being unpatentable over "Java Architecture for XML Binding: Executive Summary" ("JAXB") in view of US Pub. No. 2003/0135825 ("Gertner").

In review of documents in preparation of this response to the Office Action, applicants discovered the inadvertent omission of an inventor, which occurred without deceptive intent. Applicants are currently preparing paperwork to correct this oversight.

Rejections Under 35 USC 101

Claims 1-18 stand rejected under 35 USC 101 because the claimed invention is (as stated in the Office Action) non-statutory subject matter. The Office Action asserted that the programmable object model and application programming interface (API) as well as the rest of the claim limitations are nonfunctional descriptive material because (1) the invention is not recorded on a computer readable medium, and (2), there is no requisite functionality present to satisfy the practical application. With respect to independent claim 1, the claimed invention was characterized as describing a model or abstract foundation of ideas and a set of program routines that represent a manipulation of abstract ideas.

Applicants respectfully traverse the rejections. While inventions *can* be recorded on computer readable media, there is no requirement that they *must* be. Secondly, examination

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guidelines on page 38 describe “functional descriptive material” consisting of data structures and computer programs which impart functionality when employed as a computer component. In determining whether the claim is for a “practical application,” the focus is not on whether the steps taken to achieve a particular result are useful, tangible and concrete, but rather that the final result is “useful, tangible and concrete.”

It is appreciated that user interfaces and application programming interfaces (APIs) exist to standardize function/object calls, to free programmers from implementation details, and to verify type-checking of parameters within calls (so as to minimize errors). Results from using the interfaces at least realize these benefits and provide standardized formats for returning results from the underlying routines/objects. The interfaces thus generally provide useful, tangible, and concrete results.

In particular, the return value from the ML schema library allows, for example, the user to modify the contents or operation of individual schema files or resources (page 13, lines 8-14). Thus, the individual schema files can be programmed to contain solutions for a resume building or checking, for example, to automatically verify that the structure conforms to the schema (page 13, lines 29 *et seq*). Accordingly the claim is not directed to an abstract algorithm or structure, but rather to methods and objects that provide results that are useful in the real world.

Based on the foregoing, claims 1, 3, 5, and 7 are submitted to be patentable. The independent claims are submitted to be patentable for at least the reasons given for the claims from which they depend.

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Rejections Under 35 USC 103(a)

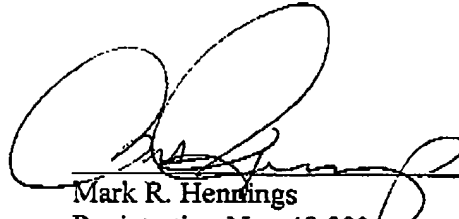
Claims 1-18 stand rejected under 35 USC 103(a) as being unpatentable over "Java Architecture for XML Binding: Executive Summary" ("JAXB") in view of US Pub. No. 2003/0135825 ("Gertner"). The rejection combines a section 102(a)-type rejection (JAXB, published less than 12 months before the filing date) and a section 102(e)-type rejection (Gertner, which claims priority to December 5, 2001). Applicants herewith supply a Declaration Under 37 CFR §1.131 showing that the applicant was in possession of the invention at least before the publication date of JAXB, which is July 2003. In view of the attached Declaration and Exhibit 1, the applicants have demonstrated prior invention in the United States before the effective date of the JAXB reference. Accordingly, JAXB should be removed as a reference and claims 1-18 are submitted to be patentable.

In view of the foregoing amendments and remarks, all pending claims are believed to be allowable and the application is in condition for allowance. Therefore, a Notice of Allowance is respectfully requested. Should the Examiner have any further issues regarding this application, the Examiner is requested to contact the undersigned attorney for the applicants at the telephone number provided below.

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Respectfully submitted,

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